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2  
3 GREGG D. RENKES  
4 ATTORNEY GENERAL

5 Stephanie Galbraith Moore  
6 Assistant Attorney General  
7 Office of the Attorney General  
8 1031 W. 4th Ave., Suite 200  
9 Anchorage, Alaska 99501  
10 (907) 269-5190  
11 Attorney for Defendants

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

RALPH KERMIT WINTERROWD, 2<sup>ND</sup>

Plaintiff,

vs.

BRAD L. NELSON,

Defendant.

)  
)  
)  
)  
) Case No. A-02-0097 CI (JKS)  
) **RULE 26(a)(1) INITIAL**  
) **DISCLOSURES**  
) **OF DEFENDANTS**  
)  
)

Defendants hereby make their initial disclosures under Federal R. Civ. P.

26(a)(1) as follows:

**A. The factual basis of each defense:**

On April 21, 2000 Trooper Leviticus Washington stopped Mr.

Ralph Kermit Winterrowd II for a license plate requirement (driving a vehicle with

Rule 26(a) Initial Disclosures of Defendant State of Alaska A-02-0097 Ci (JKS)  
*Winterrowd v. Brad L. Nelson et al.*

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unrecognizable plates and no registration). Further investigation revealed, according to an APSIN check, that Mr. Winterrowd was driving with a cancelled driver's license. A Uniform Summons and Complaint case #00-28145 for violation of AS.28.15.291(a) was issued to Mr. Winterrowd. The car was impounded. The case was dismissed at the arraignment hearing on May 2, 2000 according to Rule 43(a).

On April 30, 2000 Trooper Brad Nelson stopped Mr. Winterrowd for having homemade plates with no evidence of registration. Trooper Nelson escorted Mr. Winterrowd to the trooper vehicle to be interviewed. Trooper Nelson conducted a routine safety check of Mr. Winterrowd before they entered the vehicle during which time Mr. Winterrowd abruptly turned toward Trooper Nelson requiring Trooper Nelson to use minimal force to briefly restrain Mr. Winterrowd. Mr. Winterrowd admitted that the vehicle was not registered with the State of Alaska. The vehicle's homemade plates were seized and vehicle was towed. Trooper Nelson issued a Uniform Citation T1129252 in violation of AS 28.10.451.

On May 28, 2002 Trooper Michael E. Burkmire issued Mr. Winterrowd Uniform Citation T1163340 in violation of AS 28.15.131, an offense of a license being carried and exhibited on demand and Uniform Citation T1163339 in violation of AS 28.10.461, an offense of failing to display (driving without evidence of registration).

On August 24, 2002, Trooper Vance Peronto issued Mr. Winterrowd Uniform Citation T1191388 in violation of AS 28.10.471, an offense of expired license Rule 26(a) Initial Disclosures of Defendant State of Alaska  
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plates and registration. Also issued was Uniform Citation T1191389 in violation of AS 28.10.461 for failure to display license both license plates and Uniform Citation T1191390 in violation of AS 28.15.131 an offense of a failure to display a driver's license.

**B. The name, address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information; and whether the attorney-client privilege applies:**

Sgt. Robert M. Baty  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502  
269-5100  
Sgt. Baty is a defendant in this case.

Trooper Michael E. Burkmire  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502  
269-5100  
Officer Burkmire is a defendant in this case.

Captain Dennis Casanovas  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502  
269-5100  
Captain Casanovas is a defendant in this case.

Trooper John R. Cyr  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502

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DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

269-5100

Officer Cyr is a defendant in this case.

Trooper Robert French  
Department of Public Safety  
453 S Valley Way  
Palmer, Alaska 99645  
(907) 746-9135

Trooper French will have information regarding the issues in this case.

Trooper Ronald Hayes  
Department of Public Safety  
453 S Valley Way  
Palmer, Alaska 99645  
(907) 746-9135

Officer Hayes may have information regarding the issues in this case.

Trooper Brad L. Nelson  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502  
269-5100

Officer Nelson is a defendant in this case.

Trooper Vance Peronto  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502  
269-5100

Officer Peronto is a defendant in this case.

Leviticus Washington  
C/O Attorney General's Office  
1031 W. Dimond, #3  
Anchorage, Alaska 99502  
269-5100

Officer Washington is a defendant in this case.

Exhibit 1  
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3  
4 Trooper Jorge A. Santiago  
5 C/O Attorney General's Office  
6 1031 W. Dimond, #3  
7 Anchorage, Alaska 99502  
8 269-5100

Officer Santiago is a defendant in this case.

9 Del Smith (retired)  
10 C/O Attorney General's Office  
11 1031 W. Dimond, #3  
12 Anchorage, Alaska 99502  
13 269-5100

Del Smith is a defendant in this case.

14 Ralph Winterrowd  
15 P.O. Box 877109  
16 Knik, Alaska 99687  
17 Mr. Winterrowd is the Plaintiff in this case.

18 Mrs. Ralph Winterrowd (former)  
19 Address unknown  
20 Former Mrs. Winterrowd is a witness to one or more of the events of this case.

21 **C. The name, address and telephone number of each individual who has  
22 made a written or recorded statement and, unless the statement is  
23 privileged or otherwise protected from disclosure, either:**

24 Trooper Michael E. Burkmire  
25 (See address above)

26 Trooper Robert French  
(See address above)

Trooper Brad L. Nelson  
(See address above)

Trooper Vance Peronto  
(See address above)

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Rule 26(a) Initial Disclosures of Defendant State of Alaska  
*Winterrowd v. Brad L. Nelson et al.*

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Leviticus Washington  
(See address above)

**/X/ a copy of the statement or  
// the name, address and telephone number of the  
custodian:**

(Please see "D" below)

**D. /x\_/ a copy of, or // a description by category and location of, all  
documents, data compilations, and tangible things that are relevant to  
disputed facts alleged with particularity in the pleadings:**

Attached are documents numbered RW 1 through RW 171.

**E. All photographs, diagrams, and videotapes of persons, objects, scenes  
and occurrences that are relevant to disputed facts alleged with  
particularity in the pleadings:**

A copy of the transcription of an audio tape of the April 30, 2000 stop will  
be provided when it is received by this office.

**F. Each insurance agreement under which any person carrying on an  
insurance business may be liable to satisfy part of all of a judgement  
which may be entered in the action or to indemnify or reimburse for  
payments made to satisfy the judgement:**

There are no insurance agreements relevant to this case.


**G. All categories of damages claimed by the disclosing party, and a  
computation of each category of special damages, making available  
for reinspection and copying as under Rule 34 the documents or other  
evidentiary material, not privileged or protected from disclosure, on  
which such claims are based, including materials bearing on the  
nature and extent of injuries suffered:**

1  
2  
3 /x/ or not applicable to defendant(s).  
4

5 DATED this 7 day of April, 2003 at Anchorage, Alaska.

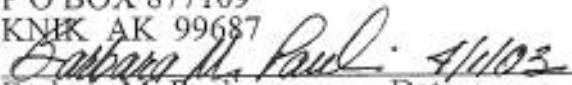
6 GREGG D. RENKES  
7 ATTORNEY GENERAL

8 By:

9   
10 Stephanie Galbraith Moore  
11 Assistant Attorney General  
12 Alaska Bar No. 8911063

13 This is to certify that on  
14 this date, a copy of the  
15 foregoing is being mailed to:

16 RALPH K WINTERROWD 2<sup>nd</sup>  
17 P O BOX 877109  
18 KNIK AK 99687

19   
20 Barbara M. Pauli Date 4/1/03

21  
22  
23 DEPARTMENT OF LAW  
24 OFFICE OF THE ATTORNEY GENERAL  
25 ANCHORAGE BRANCH  
26 1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

24 Exhibit 1

25 Page 7 of 7



TALIS J. COLBERG  
ATTORNEY GENERAL

Stephanie Galbraith Moore  
Assistant Attorney General  
Office of the Attorney General  
1031 W. 4th Ave., Suite 200  
Anchorage, Alaska 99501  
(907) 269-5190

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

RALPH KERMIT WINTERROWD, 2<sup>ND</sup> )

Plaintiff, )

vs. )

BRAD L. NELSON, ET AL., )

Defendants. )

Case No.: 3:02-cv-00097-JKS

**DEFENDANTS' RULE 26(a)(1)  
INITIAL DISCLOSURES**

Defendants hereby make their initial disclosures under Federal Rule of Civil  
Procedure 26(a)(1) as follows:

**A. The factual basis of each defense:**

Defendants incorporate by reference the facts set forth in their motion for  
summary judgment on plaintiff's excessive force claim.

Exhibit 2  
Page 1 of 4



1  
2 B. The name, address and telephone number of each individual likely to  
3 have discoverable information relevant to disputed facts alleged with  
4 particularity in the pleadings, identifying the subjects of the  
5 information; and whether the attorney-client privilege applies:

- 6 1. Sgt. Robert M. Baty  
7 c/o Attorney General's Office  
8 1031 W. 4<sup>th</sup> Ave. Suite 200  
9 Anchorage, Alaska 99501  
10 (907) 269-5190  
11 Sgt. Baty is a defendant in this case.  
12 *Attorney/Client privilege*
- 13 2. Trooper John R. Cyr  
14 c/o Attorney General's Office  
15 1031 W. 4<sup>th</sup> Ave. Suite 200  
16 Anchorage, Alaska 99501  
17 269-5190  
18 Officer Cyr is a defendant in this case.  
19 *Attorney/Client privilege*
- 20 3. Trooper Robert French  
21 Department of Public Safety  
22 453 S Valley Way  
23 Palmer, Alaska 99645  
24 (907) 746-9135  
25 Trooper French was present during the stop of Winterrowd as a field  
26 training officer for Trooper Santiago.  
*Attorney/Client privilege*
4. Trooper Brad L. Nelson  
c/o Attorney General's Office  
1031 W. 4<sup>th</sup> Ave. Suite 200  
Anchorage, Alaska 99501  
269-5190  
Officer Nelson is a defendant in this case.  
*Attorney/Client privilege*
5. Trooper Jorge A. Santiago  
Address unknown  
Officer Santiago is a defendant in this case.  
*Attorney/Client privilege*

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1001 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

6. Ralph Winterrowd  
P.O. Box 877109  
Wasilla, AK 99687  
(907) 357-8003  
Mr. Winterrowd is the plaintiff in this case.

7. Mrs. Ralph Winterrowd (former)  
Address unknown  
Former Mrs. Winterrowd is a witness to one or more of the events of this case.

C. The name, address and telephone number of each individual who has made a written or recorded statement and, unless the statement is privileged or otherwise protected from disclosure, either:

1. Trooper Robert French  
(See address above)
2. Trooper Brad L. Nelson  
(See address above)
3. Trooper Vance Peronto  
(See address above)

/X/ a copy of the statement or  
// the name, address and telephone number of the custodian:  
(Please see "D" below)

D. /x/ a copy of, or // a description by category and location of, all documents, data compilations, and tangible things that are relevant to disputed facts alleged with particularity in the pleadings:

Previously produced are documents numbered RW 1 through RW 171.

E. All photographs, diagrams, and videotapes of persons, objects, scenes and occurrences that are relevant to disputed facts alleged with particularity in the pleadings:

A copy of the transcription of an audio tape of the April 30, 2000 stop has been previously provided.

F. Each insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of all of a judgement which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgement:


There are no insurance agreements relevant to this case.

G. All categories of damages claimed by the disclosing party, and a computation of each category of special damages, making available for reinspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such claims are based, including materials bearing on the nature and extent of injuries suffered:  
/x/ or not applicable to defendant(s).

DATED this 4<sup>th</sup> day of September, 2007, at Anchorage, Alaska.

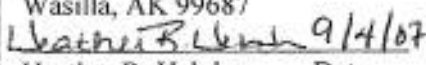
TALIS J. COLBERG  
ATTORNEY GENERAL

By:

  
Stephanie Galbraith Moore  
Assistant Attorney General  
Office of the Attorney General  
1031 W. 4<sup>th</sup> Ave., Ste. 200  
Anchorage, AK 99501  
Phone: (907) 269-5190  
Fax: (907) 258-0760  
Stephanie.Galbraith@alaska.gov  
Alaska Bar No. 8911063

This is to certify that on this date,  
a copy of the foregoing  
DEFENDANTS' INITIAL DISCLOSURES  
is being served via U.S. Mail on:

Ralph K. Winterrowd, 2<sup>nd</sup>  
P.O. Box 877109  
Wasilla, AK 99687

  
Heather R. Hebdon Date

Def's Rule 26(a) Initial Disclosures  
*Winterrowd v. Brad L. Nelson et al.*  
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Exhibit 2  
Page 4 of 4



TALIS J. COLBERG  
ATTORNEY GENERAL

Stephanie Galbraith Moore  
Assistant Attorney General  
Office of the Attorney General  
1031 W. 4th Ave., Suite 200  
Anchorage, Alaska 99501  
(907) 269-5190

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

RALPH KERMIT WINTERROWD, 2<sup>ND</sup> )

Plaintiff, )

vs. )

BRAD L. NELSON, ET AL., )

Defendants. )

Case No.: 3:02-cv-00097-JKS

**DEFENDANTS' RESPONSES TO  
PLAINTIFF'S INITIAL DISCOVERY**

1. Documents identified as RW1 through RW 171 by Moore.

**RESPONSE:** Documents RW1 through RW 171 were provided to the plaintiff in the State's Initial Disclosure of April 1, 2003 per Rule 26(a)(1). An additional copy will be provided with advance payment of copying costs by plaintiff in the amount of \$17.10.

2. The complete unedited tape of the traffic stop.

**RESPONSE:** Objection, to the extent this request implies defendants edited the tape, which they did not. A copy of the tape is enclosed.

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

Exhibit 3  
Page 1 of 5

3. All the memos, papers, videos, and other documents concerning Winterrowd that the parties listed below have used in this instant case and against Winterrowd leading up to the excessive force by Nelson and others.

**RESPONSE:** Objection. This request is vague, overly broad and seeks privileged information. Without waiving objections, see No. 1 above.

4. The APSIN information on danger warning put into the computer with parties identified that entered same, reason for entry and text of same.

**RESPONSE:** Provided are documents RW 173 through RW 174.

5. The party that Trooper Brad L. Nelson was talking to when I was in his trooper car has not been identified, the cellular records and other communication that Trooper John Cyr had as I was proceeding peacefully into Wasilla close to Cyr.

**RESPONSE:** Objection. This request is vague and overly broad. Without waving the objections, if plaintiff is referring to being seated in Trooper Nelson's car during the traffic stop on April 30, 2000, plaintiff has already identified the participating officers in his "Opposition To Motion of Defendant's Summary Judgment..." Also, without waiving the objections, dispatch tapes no longer exist, and cell phone records re: cell phone numbers called or received to or from any particular cell phone at any specific date or time are not kept by the department, nor is it reflected in the department's monthly billing.

6. All of the cellular and tape records of all the parties in this instant case have not been provided.

1  
2 **RESPONSE:** See Response to No. 5 above.

3 7. All of the incidents, reports, evaluations, and plus incidents of other excessive  
4 force for each of the defendants has not been provided.

5 **RESPONSE:** Objection. This request is vague and overly broad. This request does  
6 not detail what type of "incident" or "report", nor does it confine the request to time,  
7 location, or scope.

8  
9 To the extent that this request extends to any information that is contained within any  
10 trooper's DPS personnel file, that information is not subject to discovery. Personnel files  
11 and their contents are confidential documents (Section 22 of Article 1 of the Alaska  
12 Constitution and AS 39.25.080).

13  
14 8. All of the qualifications of each of the defendants has not been provided as to  
15 training. Oath of Office as public Officers, Civil Commissions, Trooper graduation  
16 documents and training, the Use of Force in this instant Case, the rules of engagement in  
17 this instant case, the rules of used when attempting to drive Winterrowd off of the road  
18 concerning a mere purported traffic stop, the legal duty and probable cause for traffic stop.

19 **RESPONSE:** Objection. This request is vague, and overly broad, and seeks  
20 irrelevant and confidential information. Also see objection to No. 7 above. Without  
21 waiving the objections, the classes and material used at the Department of Public Safety  
22 Training Academy is in a constant state of change in regards to the material used the  
23 various instructors that have taught the class. Depending on the year the class was taken,  
24  
25



1  
2 some of the material may or may not have been copied to disk, or archived, as the archival  
3 system at the academy has gone through several phases since the advent of the computer.

4 Without waiving the objections, enclosed is a copy of Chapter 107 (Use of Force)  
5 from the Department of Public Safety's Standard Operating Procedures designated as RW  
6 175 through 193.  
7

8 Also, without waiving the objections, Trooper Brad Nelson graduated from the  
9 Department of Public Training Academy on June 11, 1999 in the AK Law Enforcement  
10 Training (ALET) class #21; Trooper John Cyr graduated from the Department of Public  
11 Training Academy on May 6, 1994 in ALET class #11; Trooper Jorge Santiago graduated  
12 from the Department of Public Training Academy on December 3, 1999 in ALET class#22.  
13

14 9. The documents that support the lack of prosecution, the towing documents  
15 and authority for same of Winterrowd's private property.

16 **RESPONSE:** Objection. This request is vague and ambiguous to the terms  
17 "documents" and "prosecution," and seeks irrelevant information.  
18

19 10. The insurance policies that cover the Troopers, noting that Winterrowd has  
20 filed in a separate document wherein the Public Safety Commissioner is mandated by  
21 Alaska Statute to provide an Official Bond for all troopers. Moore states that no insurance  
22 agreements are relevant, which isn't correct.  
23

24 **RESPONSE:** There are no insurance agreements relevant to this case.  
25

DATED this 7 day of February, 2008, at Anchorage, Alaska.

TALIS J. COLBERG  
ATTORNEY GENERAL

By:



Stephanie Galbraith Moore  
Assistant Attorney General  
Office of the Attorney General  
1031 W. 4<sup>th</sup> Ave., Ste. 200  
Anchorage, AK 99501  
Phone: (907) 269-5190  
Fax: (907) 258-0760  
Stephanie.Galbraith@alaska.gov  
Alaska Bar No. 8911063

This is to certify that on this date,  
a copy of the foregoing  
DEFENDANTS' RESPONSES TO  
PLAINTIFF'S INITIAL DISCOVERY  
is being served via U.S. Mail on:

Ralph K. Winterrowd, 2<sup>nd</sup>  
P.O. Box 877109  
Wasilla, AK 99687

Heather R. Hebdon 2/7/08  
Heather R. Hebdon Date

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

Defendants' Responses to Plaintiff's Initial Discovery  
*Winterrowd v. Nelson, et al.*  
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